

# SECTION B

## DETAILED IMPORTING REQUIREMENTS

### 1. Excluded Vehicles

Excluded vehicles are those vehicles that have been excluded from the emission requirements of the Clean Air Act. These vehicles are excluded by either their age (i.e., manufactured prior to the regulations), the type of fuel the vehicle uses, the maximum speed of the vehicle, or the lack of features associated with safe and practical street or highway use. Excluded vehicles may be imported by anyone. No bond is required by EPA.

#### a. Exclusions Based on Age

The vehicle is a:

- Light-duty gasoline-fueled car or truck built before January 1, 1968
- Light-duty diesel-fueled car built before January 1, 1975
- Light-duty diesel-fueled truck built before January 1, 1977
- Motorcycle built before January 1, 1978
- Heavy-duty engine (gasoline or diesel-fueled) built before January 1, 1970

Declare code:

E  
(formerly R)  
E  
(formerly S)  
E  
(formerly T)  
E  
(formerly U)  
E  
(formerly V)

#### Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "E". Customs may require proof of vehicle age.

#### Restrictions

- None

#### b. Non-Chassis-Mounted Engine

The engine is to be used in a light-duty vehicle (LDV), a motorcycle, or a light-duty truck (LDT). Anyone may import a non-chassis-mounted light-duty motor vehicle engine without a Customs bond required by EPA, a written EPA approval, or any other EPA emission requirements.

#### Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "W".

#### Restrictions

- Mounting an engine in a chassis to "manufacture" a LDV, motorcycle, or LDT without the proper certificate of conformity from EPA is a violation of the Clean Air Act;
- Mounting an engine in an existing LDV, motorcycle, or LDT that is certified is a violation of the Clean Air

Act unless the engine replacement is identical to the engine being replaced; and

- The importation of an engine to be used in a heavy-duty vehicle or heavy-duty truck is a violation of the Clean Air Act unless the engine has a proper label indicating that it is covered under a certificate of conformity, or was built prior to 1970, or is otherwise excluded or exempted.

### **c. Off Road Vehicle**

Exclusion determinations for "off road" vehicles are based on the capability of the subject vehicles, not their intended or principal use. The vehicle:

1. cannot exceed a maximum ungoverned speed of 25 miles per hour over level, paved surfaces, (Vehicles that are governed to a speed of 25 miles per hour or less may be excluded if the governor is deemed sufficiently tamperproof. EPA will make evaluations of governing devices upon request); or
2. lacks features customarily associated with safe and practical street or highway use, such features including, but not limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features by state and/or Federal law, (The mere deletion, removal or absence of features that can be readily added or the lack of U.S. Department of Transportation approval of safety features on the vehicle is not sufficient grounds for exclusion); or
3. exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry, (EPA regards vehicles that exceed any of the Federal weight or dimensional limitations placed on vehicles using the Interstate Highway System to be of an inordinate size). The Interstate limitations include a single axle weight of 20,000 pounds, a tandem axle weight of 34,000 pounds, a vehicle weight of 80,000 pounds, and a width of 102 inches, excluding safety devices. The weight limitations are actual vehicle or axle weights, not weight ratings.)

EPA will make written determinations of exclusion for individual vehicle models upon receipt of dimensions, technical specifications and photographs or drawings of the model in question. While some vehicles can be easily determined to be excluded, particularly those of inordinate size, others require more review. An importer that makes his or her own determination does so at his or her own risk.

Certain off road vehicles containing nonroad engines manufactured after January 1, 1996 are covered under EPA nonroad engine regulations. These are primarily construction equipment and lawn and garden equipment. Consult the EPA nonroad entry form 3520-21 to determine applicability.

### **Requirements**

- Consult EPA nonroad entry form 3520-21 to determine whether the vehicle engine is covered by EPA nonroad requirements. Complete form 3520-21 as applicable, otherwise complete form 3520-1, declaring code "X" and attaching proof that the vehicle lacks safety or other features required for safe and practical street operation including evidence of inordinate size or weight preventing highway use.

### **Restrictions**

- Not for use by racing vehicles; and
- Vehicle may not be registered or licensed for use on or operated on the public roads or highways. If an imported non-road vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

### **d. Racing vehicle**

The vehicle has in general been extensively modified for racing, and is incapable of safe and practical street or highway use because it lacks features associated with safe and practical street or highway use, such features

including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or Federal law. Anyone may import a racing vehicle without a Customs bond required by EPA; however, written EPA approval must be obtained before clearance at Customs.

## Requirements

- **You must first receive EPA's approval. Not all vehicles used in races are excluded from emissions compliance.** Determinations are based on the capability of the vehicle, not its intended use. Importer must submit the following information when applying:
  1. importer's name, address, and daytime telephone number;
  2. vehicle information (make, model, model year and VIN);
  3. a list of racing features (features that make the vehicle a racing vehicle);
  4. a list of street features lacking (features that have been removed or have never been installed that would permit safe driving on streets or highways);
  5. at least 4 photographs showing the front, rear, and each side view; and if a vehicle with an interior, photographs of the interior;
  6. the name of the sanctioning body and competition class;
  7. a schedule of racing events, including dates and locations where the vehicle will participate;
  8. a copy of the competition racing license; and
  9. other proof that the vehicle cannot be used on streets and highways, such as a letter from a state's Department of Motor Vehicles that explains the vehicle cannot be licensed for use on public roads, and explains why it cannot be licensed.
- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "L" and attach EPA letter of approval; and
- Importer should keep a copy of the EPA approval letter for future proof of EPA exclusion.

## Restrictions

- Vehicle may not be registered or licensed for use on or operated on the public roads or highways; and
- If an imported racing vehicle is subsequently converted to a motor vehicle and registered or licensed for street use, the converter may be considered a manufacturer of a new motor vehicle and subject to a penalty of \$25,000 per day for failing to meet EPA emission requirements.

## **e. Unregulated Fuel Vehicle**

The vehicle runs solely on an unregulated fuel. Regulated fuels are typically gasoline and diesel fuels. However, beginning with the 1991 model year vehicles, methanol is also a regulated fuel; and beginning with the 1997 model year vehicles, Compressed Natural Gas (CNG) and Liquid Petroleum Gas (LPG), including propane, will be considered regulated fuels. Therefore, a vehicle operating on unregulated fuel will operate solely on fuel:

1. other than gasoline or diesel fuel for model years earlier than 1991,
2. other than gasoline, diesel, or methanol fuel for 1990-1996 model years,
3. other than gasoline, diesel, methanol, CNG, or LPG (including propane) for 1997 and later model years.

A duel-fueled or multi-fueled vehicle (such as one that can run on either gasoline or propane) is regulated if it is capable of running on a regulated fuel.

## Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "Y".

- Converting or re-converting a vehicle that runs solely on an unregulated fuel to run on a regulated fuel without a proper certificate of conformity from EPA is a violation of the Clean Air Act.
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## 2. Temporary Importations

Vehicles and engines imported into the U.S. temporarily may be eligible for an exemption from complying with Federal emission requirements. However, **vehicles imported for the purpose of conversion to meet Federal emission requirements must be imported by an ICI** (see [Permanent Importations: Non U.S. Versions - "Importations by an ICI"](#)). After the purpose of the exemption has been satisfied, the vehicle must be exported or destroyed. The period of the EPA exemption is the same as that authorized by U.S. Customs for the entry.

There are six types of temporary importation exemptions. Below is a description of each type of exemption along with the requirements you must meet when applying for a specific exemption, and the restrictions that will apply to your vehicle.

### a. Repair/Alteration

The vehicle is imported solely for repair or alteration. Anyone may import a vehicle for repair or alteration; however, a Customs bond is required.

#### Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "G"; and
- Importer must post a bond with U.S. Customs.

#### Restrictions

- Repair/Alteration exemptions may not be used for the purposes of converting vehicles to meet Federal emission requirements, or for storing vehicles (e.g., temporary storage pending conversion or exportation);
- Vehicle may not be operated on public roads or highways in the U.S. **(NOTE: If driving vehicle on roads is a necessary part of a testing program, see Temporary Importations: "Testing")**;
- Vehicle may not be sold or otherwise transferred to another party in the U.S.; and
- Vehicle must be exported after the repair or alteration, or upon expiration of the exemption, whichever comes first.

### b. Display

The vehicle is imported solely for display. Anyone may import a vehicle for a legitimate display purpose as determined by EPA; however, EPA requires a Customs bond. Generally, a legitimate display purpose is in the interest of the general public (e.g., display in a public museum, display at a charity event) or a business (e.g., to test the market for a new product). The use of this exemption for private purposes is not permitted, and offering a nonconforming vehicle for sale, as a gift, or as a prize in the U.S. is a violation of the Clean Air Act.

#### Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "K"; and
- Importer must post a bond with U.S. Customs.

## Restrictions

- Vehicle may not be operated on public roads or highways in the U.S., except for that operation necessary for the display purpose (e.g., filming of vehicle for a movie or advertisement). However, the vehicle must be transported to the display location (e.g. the film/advertisement studio) without driving on the public roads. If vehicle must be driven for the purpose of testing (e.g., demonstrating a brake system), importer must import the vehicle under the sections Temporary Importations: "OEM Testing" or "Testing Exemption", as applicable;
- Vehicle may not be sold in the U.S., or used for selling (i.e., taking orders for) similar vehicles in the U.S.;
- Vehicle may not be offered as a gift or prize in the U.S.; and
- Vehicle must be exported or destroyed at the end of the display purpose, or expiration of the exemption, whichever comes first.

## **c. Testing**

The vehicle or engine is being imported for testing purposes involving research, investigations, studies, demonstrations or training. The vehicle or engine may be operated on public roads provided such operation is an integral part of the test program. Anyone may import a vehicle for testing purposes; however, EPA requires a Customs bond.

The importer carries the burden of proving that the proposed test program constitutes an appropriate basis for an exemption, and must satisfy all the requirements of 40 CFR 85.1705.

## Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "I"; and
- Importer must post a bond with U.S. Customs.

## Restrictions

- Vehicle may be driven on public roads and highways in the U.S. only as an integral part of the test program;
- Vehicle may not be sold or otherwise transferred to another party in the U.S.; and
- Vehicle must be exported or destroyed at the end of the test purpose, or expiration of the exemption, whichever comes first.

## **d. Diplomat**

The vehicle is being imported by a member of the armed forces of a foreign country, or a representative of an international organization, or personnel of a foreign government on assignment in the U.S. who comes within the class of persons for whom free entry has been authorized in writing by the U.S. Department of State; or the vehicle is being imported temporarily for personal use by a member of the armed forces of a foreign country and has official orders for duty in the U.S. Neither Customs bond or EPA approval is required.

## Requirements

- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "N"; and
- A copy of the U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries, must be attached to Form 3520-1. **Documents from foreign governments or other U.S. agencies are not acceptable, except for orders for duty in the U.S. for**

**members of the armed forces of foreign countries.**

### Restrictions

- Vehicle may not be sold or otherwise transferred to another party in the U.S., unless the new owner also has the required U.S. Department of State authorization, or orders for duty in the U.S. for members of the armed forces of foreign countries, and the new owner submits a new EPA Form 3520-1 to U.S. Customs; and
- Vehicle must be exported at the end of the authorizing assignment, or U.S. Department of State authorization for free entry of vehicle, whichever comes first. Alternately, an Independent Commercial Importer (ICI), may bring the vehicle into compliance with Federal emission requirements. (The ICI must follow the same requirements as if the ICI were importing the vehicle at the time the ICI takes possession of the vehicle; See [Permanent Importations: Non U.S. Versions - "Importations by an ICI"](#))

### **e. Nonresident**

The vehicle is temporarily being imported by a nonresident for personal use by the importer. Only individual nonresidents may import a vehicle through a nonresident exemption. There is no Customs bond required, nor a written EPA approval.

### Requirements

- Importer must file with U. S. Customs, upon entry, an EPA Form 3520-1 declaring code "O".

### Restrictions

- Importer must qualify to be a nonresident according to Customs requirements;
  - Vehicle may not be sold or otherwise transferred to another party in the U.S.;
  - Vehicle must be used primarily for personal use by the importer while in the U.S.;
  - Use of this exemption is prohibited if the vehicle is to be used primarily to conduct business, or for principle use by persons other than the importer (or spouse of the importer); and
  - Vehicle must be exported after one year, or upon the nonresident departing the U.S., whichever comes first.
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## **3. Permanent Importations**

### **a. U.S. Version Vehicles**

#### **(1) What are U.S. Version Vehicles?**

U.S. version vehicles are vehicles that were: (1) manufactured in conformity with Federal emission requirements, (2) manufactured in accordance with a specific EPA certificate of conformity, and (3) manufactured with a U.S. emissions compliance label in the engine compartment that identifies them in the English language as conforming to all EPA requirements (see ["How to Find the Vehicle Emissions Label"](#)). Many U.S. version cars and light-duty trucks built since the mid 1970s and almost all U.S. version cars and light-duty trucks built since 1980 were originally manufactured with a catalytic converter and/or oxygen sensor.

Not all vehicles equipped with catalytic converters are certified U.S. version vehicles. For example, virtually all catalyst equipped vehicles marketed by manufacturers for sale in Europe are not certified U.S. versions. For a

vehicle to be eligible for importation as a U.S. version vehicle, it must have a manufacturer-equipped EPA emissions label in the English language in the engine compartment (or on the frame of a motorcycle, or on the block of a heavy-duty engine), or it must be accompanied by a letter from the U.S. representative of the manufacturer that states the vehicle was originally manufactured to be a U.S. certified version or subsequently converted to conform to EPA requirements. Otherwise, the vehicle will be considered by EPA to be a non-U.S. version vehicle (see ["Non U.S. Version Vehicles"](#)).

## **(2) Why Does EPA Restrict the Importation of U.S. Version Vehicles?**

EPA must enforce certain requirements to restrict the importation of U.S. version vehicles in which the engine or emissions related components may have been removed, changed, altered, damaged, or contaminated (i.e., with the use of leaded gasoline).

EPA's regulations generally require that the catalytic converter, or catalytic converter and oxygen sensors (as applicable) be replaced in U.S. version vehicles that may have been contaminated with leaded gasoline overseas. The use of leaded fuel in a vehicle equipped with a catalytic converter will affect the ability of the catalyst and oxygen sensors to effectively reduce emissions. In many overseas countries, unleaded fuel is not yet widely available. Also, the vehicle's fuel filler inlet restrictor will have to be replaced if it has been removed or altered to help prevent future filling of the vehicle with leaded fuel.

## **(3) What You Should Know Before Shipping a U.S. Version Vehicle Overseas**

(a) If you believe that unleaded gasoline may not be available in all areas that the vehicle will be driven, you may obtain authorization from EPA to remove the catalyst and oxygen sensors before the vehicle is shipped overseas. Removing the catalyst and oxygen sensors prior to shipping the vehicle overseas protects them from possible contamination from leaded gasoline. The catalyst and oxygen sensors must then be reinstalled when the vehicle returns to the U.S. To obtain EPA authorization to remove the catalyst and oxygen sensors, call the Air Enforcement Division at (202) 564-2418.

(b) EPA has determined that unleaded gasoline is widely available in certain countries: Canada, Mexico, Japan, Australia, Taiwan, Bahama Islands, Western Europe, Hong Kong and South Korea. (Western European countries include Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden Switzerland, and United Kingdom). This list is not inclusive. The vehicle owner is responsible for determining whether unleaded gasoline is readily available in those locations in which the owner intends to operate the U.S. version vehicle.

## **(4) EPA Requirements for Importing a U.S. Version Vehicle**

U.S. version vehicles that have been driven overseas are subject to Federal emission requirements upon importation into the U.S. Below is a description of the requirements and restrictions that will apply when importing your vehicle.

### **(a) VEHICLE NOT MODIFIED OR ALTERED**

The U.S. version vehicle has not been modified or altered.

#### **Requirements**

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "B"; and
- Importer must be able to demonstrate the vehicle is a U.S. version, upon request by U.S. Customs or EPA.

#### **Restrictions**

- None

## **(b) CATALYST, OXYGEN SENSORS, OR FILLER NECK RESTRICTOR REMOVED OR ALTERED**

The U.S. version vehicle has had its catalyst, oxygen sensors, or filler neck restrictor removed or altered.

### Requirements

- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "F"; and
- The importer must reinstall or replace the catalyst or oxygen sensors or fuel filler neck restrictor, as applicable, after the vehicle is imported.
- If leaded gasoline was used, the importer must, after importation,
  1. Drain the fuel tank and refill it with unleaded gasoline, and
  2. Replace the catalyst and oxygen sensors, if they were left on the vehicle during use of the leaded gasoline.
- Importer must be able to demonstrate the vehicle is a U.S. version, upon request by U.S. Customs or EPA.

### Restrictions

- None
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## **b. Canadian Vehicles**

Canadian vehicles are certified to Canadian requirements and originally manufactured for sale in Canada (regardless of the country in which they were produced). While many are manufactured to be identical to U.S. certified vehicles with respect to emissions requirements (especially beginning with the 1988 model year), they may be manufactured without a U.S. emissions compliance label identifying them as conforming to U.S. EPA requirements (see [How to Find the Vehicle Emissions Label](#)). If your vehicle contains such a label, it may be imported as a U.S. version vehicle (see [U.S. Version Vehicles](#)). If your vehicle does not contain such a label, you must import your vehicle according to one of the options described below.

**NOTE: These options relate only to compliance with EPA requirements. Your vehicle may also be subject to requirements of the U.S. Department of Transportation, such as lighting and passive restraints, and to the gas guzzler tax of the Internal Revenue Service.**

Canadian vehicles imported into the U.S. are categorized as either identical to U.S. version vehicles or not identical to U.S. version vehicles with regard to emissions requirements.

### **(1) Identical to U.S. Version**

The Canadian vehicle is identical, in all material respects to a U.S. version vehicle identified in an original equipment manufacturer's (OEM's) EPA certification application. Anyone may import a Canadian vehicle identical to a U.S. version vehicle without a Customs bond required by EPA and without EPA approval if the vehicle meets one of the following conditions:

1. the vehicle is a 1988 to 1995 or 1998 to present model year Canadian LDV (passenger car), LDT (including pickup trucks and vans having GVWR of 8500 pounds or less), or HDGE (not motorcycles or HDDEs); or

2. Importer has a letter from the U.S. representative of the OEM stating that when manufactured, the vehicle met all U.S. emission requirements, except possibly for labeling or warranty; or
3. the vehicle is on the EPA list of vehicles considered to be identical to U.S. version vehicles: [List of Canadian Vehicles Considered by EPA to Conform with U.S. Emissions Requirements](#)

## Requirements

- Importer for personal use must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "EE" and if condition 2 above is applicable, attach the letter from the OEM's U.S. representative.
- Importer for resale must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "FF" and if condition 2 above is applicable, attach the letter from the OEM's U.S. representative.

## Restrictions

- None

### NOTES:

1. **Generally, EPA only accepts compliance information from the OEM's U.S. representative. However, as an exception to this rule, statements of conformity will be acceptable to EPA as evidence of conformity from OEM Canadian representatives if they are signed by a representative of the vehicle emission compliance department. You should notify the OEM that your Canadian vehicle is being moved to the U.S., so that you may receive any future maintenance or recall notices that may be distributed by the OEM.**

## **(2) Not Identical to U.S. Version**

The Canadian vehicle was not manufactured by the OEM to be identical in all material respects to a vehicle certified for sale in the U.S. The vehicle may be imported without a Customs bond required by EPA through one of the following four exemptions.

### **(a) 21 OP years old or older**

The Canadian vehicle is 21 original production (OP) years old or older (OP years = the calendar year the vehicle was manufactured subtracted from the calendar year the vehicle was imported). There is no Customs bond required by EPA, nor any written EPA approval.

## Requirements

- Importer must be prepared to demonstrate to U.S. Customs, upon entry, or to EPA, the vehicle is 21 OP years old or older. Generally, the vehicle's Canadian registration or title is adequate proof.
- Importer must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "E".

## Restrictions

- None

### **(b) Immigrant, worker or student exemption**

The vehicle is being imported by any person either with permanent Canadian immigrant status, or with Canadian worker or student status for greater than one year. No Customs bond is required by EPA. Written EPA approval is not required. **The immigrant exemption should not be used if the vehicle is identical to a U.S. version vehicle. All 1988 to 1995 and 1998 to present model year cars and light-duty trucks (pick-ups and vans under 8500 GVWR) are considered identical by EPA (see "Identical to U.S. Version" above).**

## Requirements

- Importer must offer documented proof that he/she has obtained permanent Canadian immigrant status or Canadian worker or student status in the U.S. for greater than one year (for periods up to a year, we recommend that eligible importers obtain a nonresident exemption, EPA Form 3520-1 code "O" from Customs).
- Importer must prove that the vehicle is Canadian by attaching one of the following to the EPA Form 3520-1:
  - a. Copy of Canadian registration or title for the vehicle; or
  - b. a letter from the manufacturer's U.S. or Canadian representative (for a list see [Manufacturer's U.S. Representatives](#)) which states that the vehicle was manufactured to comply with the applicable Canadian emission requirements; or
  - c. a sales receipt showing that the vehicle was purchased from a Canadian dealership and was new at the time it was purchased.
- Importer must attach to the EPA Form 3520-1 proof that the importer owned the vehicle prior to moving to the U.S. The vehicle's Canadian title or registration in the name of the importer is considered adequate proof.
- Immigrant must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "M", and attach the required documents.

## Restrictions

- None

### **(c) Inheritance exemption**

U.S. resident has obtained a vehicle from a Canadian resident by inheritance.

- Recipient of vehicle must attach the following to the EPA Form 3520-1:
  1. Proof (e.g. will) that the vehicle was obtained from a Canadian resident by inheritance.
  2. proof that the vehicle is Canadian and that the Canadian resident purchased the vehicle for their own use. Copy of the vehicle's Canadian title or registration in the name of that Canadian resident is adequate proof.
- Owner or recipient of vehicle must file with U.S. Customs, upon entry, an EPA Form 3520-1 declaring code "M", and attach the required documents.

## Restrictions

- None

### **(d) Other exemptions**

Canadian vehicles or importers of Canadian vehicles also have the same options as for non-Canadian vehicles. See [Non-U.S. Version Vehicles](#) for more importation options if Canadian vehicle is not identical to U.S. version and is not yet 21 years old, and importer lacks Canadian immigrant, worker, or student status. Specifically, see Non-U.S. Version Vehicles subsections:

(2)(b) Hardship exemption

(2)(d) Modified to be identical to U.S. version vehicles

(3) Importation by an ICI

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## **c. Non-U.S. Version Vehicles**

Non-U.S. version vehicles are nonconforming vehicles that were: (1) not manufactured in conformity with Federal emission requirements, or (2) not manufactured in accordance with a specific EPA certificate of conformity, or (3) not manufactured with a U.S. emissions compliance label in the engine compartment that identifies it in the English language as conforming to all EPA requirements. Non-U.S. version vehicles also include any vehicle originally manufactured as a U.S. version vehicle but that has been altered such that it is no longer in an EPA certified configuration (i.e., modifications or alterations or substitutions of the engine, emission control system, transmission, transaxle, differential, fuel system, or any other feature that defines the exact vehicle configurations that were certified by the manufacturer). Importers with a modified or altered U.S. version vehicle may enter the vehicle as a non-conforming vehicle under the requirements of this section. Also, non-U.S. version vehicles proven to be identical to U.S. certified version vehicles (e.g., many Canadian vehicles) may be eligible for an exemption under the following sections "(c) Identical to U.S. Version Vehicles" or "(d) Modified to be Identical to U.S. Version Vehicles", or under "Identical to U.S. Version" in the "[Canadian Vehicles](#)" section.

### **(1) EPA's Policy**

The regulations governing EPA's program for importing non-U.S. version vehicles were originally provided for in 1972 in the Clean Air Act (Act). These regulations ensure that all imported vehicles are brought into conformity with applicable emission standards. Section 203 of the Act prohibits importing any motor vehicle or motor vehicle engine not covered by a certificate of conformity unless it is exempted by EPA or otherwise authorized jointly by EPA and Customs.

The authority to allow the importation of nonconforming vehicles is discretionary with EPA and Customs. Customs will not permit admission of your vehicle until both emission (EPA) and safety (Department of Transportation) requirements for conditional admission are met, as well as all other Federal requirements. For a non-U.S. version vehicle to enter the U.S., it must be imported by either an individual who has a written letter of exemption from EPA, or by an Independent Commercial Importer (ICI), who is a private business in the U.S. that holds a valid EPA certificate of conformity. The ICI will modify and test the vehicle, as applicable, to meet the EPA emission requirements.

### **(2) Importation By an Individual**

An individual may import a non-U.S. version vehicle only (1) if the individual qualifies for an exclusion (see [Excluded Vehicles](#)) or (2) qualifies for and obtains a written letter of exemption from EPA in which the Federal emission requirements are waived. The vehicle may then be imported without a Customs bond required by EPA; however, the written EPA approval must be obtained before the vehicle is cleared at Customs.

There are four types of exemptions for non-U.S. version vehicles. Below is a description of each type of exemption along with the requirements you will need when importing your vehicle and the restrictions that will apply to your vehicle.

#### **(a) 21 YEARS OLD OR OLDER EXEMPTION**

The vehicle is 21 original production (OP) years old or older (OP years = the calendar year the vehicle was manufactured subtracted from the calendar year the vehicle was imported).

#### **Requirements**

- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "E".

## Restrictions

- None

## **(b) HARSHIP EXEMPTION**

The vehicle is imported by an individual under "... unforeseen cases of extreme hardship or extraordinary circumstances (40 CFR 85.1511(c)(2))." An example of a possible hardship exemption is a disabled person who needs a special vehicle that is unavailable in a U.S. certified configuration. For financial consideration, the importer must demonstrate to EPA's satisfaction that (1) the vehicle is needed for essential transportation (e.g., commuting to work, getting groceries, etc.), and (2) the importer is unable due to circumstances beyond his/her control to afford either a "reasonable" used U.S. version vehicle or conversion of the non-U.S. version vehicle to meet the U.S. requirements. No customs bond is required; however, written EPA approval must be obtained before clearance at Customs.

The following circumstances are **NOT** considered by EPA to be unforeseen cases of extreme hardship or extraordinary circumstances:

- 1) the importer did not know that the vehicle needed to be converted to comply with U.S. requirements; or
- 2) the high cost of converting a non-U.S. version vehicle to meet the U.S. requirements, even if the cost exceeds the value of the vehicle; or
- 3) costs, losses, or other difficulties associated with poor financial judgement or the acceptance of a high level of risk (such as the purchase of a non-U.S. version vehicle, whether or not the original intent was to eventually ship it to the U.S.; difficulties in selling the non-U.S. version vehicle overseas; low resale value of the non-U.S. version vehicle that would result in financial loss if it were sold overseas; large bank or credit union loans, credit card balances or other debts, including for the non-U.S. version vehicle and other consumer products, etc.); or
- 4) change of geographical location caused by employment status or employer requirements, whether or not the requirement to change location of employment was given unexpectedly or with little notice; or
- 5) lack of cooperation from the vehicle manufacturer

## Requirements

- Importer must obtain approval from EPA by submitting to EPA:
  1. The importers name, address, and daytime telephone number.
  2. Vehicle information (make, model, model year, VIN), copy of the current registration, title, or sales receipt identifying the vehicle and owner.
  3. Inclusive financial information (if applicable to the unforeseen cases of extreme hardship or extraordinary circumstances) of:
    - a. Financial assets (earnings and holdings) including, but not limited to, wages, bank accounts, bonds, stocks, real estate, etc.
    - b. Financial burden (living expenses) on a monthly or yearly basis, including but not limited to housing, food, transportation, clothes, utilities, loans, etc.
  4. A description of the need for the vehicle, including other vehicles currently owned by the immediate family and their use; why the other vehicles (if any) in the immediate family or mass transportation cannot fulfill the need; and why a "reasonable" used U.S. version vehicle cannot be purchased to fulfill the need.

5. A description of the "unforeseen ... extreme hardship or extraordinary circumstances".
- Importer must file with Customs, upon entry, an EPA Form 3520-1, declaring code "M", and attach EPA approval letter.
- Importer should keep a copy of EPA approval letter for future proof of EPA exemption.

### Restrictions

- None

## **(c) IDENTICAL TO U.S. VERSION VEHICLES**

The vehicle, prior to importation, is identical in all material respects to a vehicle identified in an original equipment manufacturer's (OEM's) certification application. No Customs bond is required by EPA. See also [Canadian Vehicles](#), Identical to U.S. Version)

### Requirements

- Importer must obtain a letter from the OEM's U.S. representative (see [Manufacturer's U.S. Representatives](#) for a list) stating the vehicle (make, model, model year, VIN), at the time of manufacture, conformed to all U.S. emission requirements applicable to the appropriate model year (except possibly for warranty and labeling).
- Importer must file with Customs, upon entry, an EPA Form 3520-1 declaring code "EE" and attach letter from OEM's U.S. representative.

### Restrictions

- The vehicle may not be imported for the purpose of resale, except for Canadian vehicles.
- An OEM may not import a vehicle using this exemption.

### **NOTES:**

1. **Regardless of the requirements above being satisfied, a vehicle is not eligible for this exemption if it has been modified or altered such that the vehicle configuration is not covered under the manufacturer's certificate of conformity.**
2. **Obtaining a letter from the OEM's U.S. representative is the responsibility of the importer. EPA does not have authority over manufacturers' non-U.S. version vehicles. Mercedes-Benz and BMW have indicated that except for their Canadian vehicles, they do not provide such letters. Other manufacturers have indicated that comparing foreign market vehicles to U.S. version vehicles is extremely difficult, or impractical. Failure to obtain such a letter is not justification for a hardship exemption.**

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## **(3) Importation by an ICI**

An ICI is an independent commercial importer that is registered with the EPA Certification and Compliance Division, and who is not the original vehicle manufacturer (OEM), and who does not have a contractual agreement with the original manufacturer to act as its authorized representative for the distribution of vehicles or engines into the U.S. market. ICIs act independently of the OEM, but must follow the same emission requirements imposed on OEMs by the Clean Air Act. All ICIs are located in the U.S.

### **ICI Compliance Requirements**

An ICI who imports your nonconforming vehicle is responsible for:

1. Having an applicable certificate of conformity to import your vehicle (or using your vehicle as a "prototype" to obtain the applicable certificate of conformity).
2. Entering your vehicle through U.S. Customs.
3. Performing all modifications and emission testing, if required, after the vehicle enters the United States (see "Emissions Testing" paragraph of [Introduction](#) section).
4. Reporting the modifications and testing results, if required, to EPA and holding the vehicle for 15 Federal working days beginning with the date that EPA receives this report (or longer if EPA so notifies the certificate holder). During this period and the period preceding this report, the vehicle cannot be sold, offered for sale, returned to the owner, or driven on public roads or highways (except for that driving necessary to obtain a certificate of conformity for the vehicle, if the vehicle is being used to obtain a certificate of conformity).
5. Bearing responsibility for the vehicle's compliance with emission standards over the vehicle's useful life. This includes pre-release inspections and subsequent emission recalls by EPA.
6. Ensuring that the vehicle contains an emissions label (in the name of the ICI) and vacuum hose diagram, as well as providing you with prepaid emission warranties and maintenance instructions for the vehicle (See [How to Find the Vehicle Emissions Label](#)), and
7. Performing fuel economy tests and providing you with gas guzzler tax forms.

While it is the ICI's responsibility to provide vehicle owners with fuel economy test results and gas guzzler tax forms, it is the vehicle owner's responsibility to report and pay any applicable gas guzzler taxes to the U.S. Internal Revenue Service.

Any person or business that desires to become an ICI should become knowledgeable of the requirements for ICIs (40 CFR Part 85, Subpart P) and of Certification (40 CFR Part 86), must obtain small volume manufacturer status and apply for certificates of conformity from the EPA Certification and Compliance Division in accordance with those requirements.

### **Vehicles That Must be Imported by an ICI**

ICIs import vehicles into the U.S. for modification and testing purposes so that the vehicles, upon final admission by EPA, comply with Federal emission requirements. Whether a vehicle may be imported depends on several factors, including the year in which the vehicle will be imported and the qualifications of the ICI. First, eligibility varies from year to year depending upon the age of the vehicle. A vehicle's age is determined by subtracting the calendar year in which it was originally manufactured from the calendar year of importation. For example, a European manufactured vehicle built in 1986 and imported into the U.S. in 1996 would be ten years old. Second, the ICI has to have a currently valid certificate of conformity, and if the vehicle's age is less than six years old, the ICI must have a currently valid certificate of conformity for a vehicle specifically like yours (i.e. same make, model, model year, and engine).

Before making any purchase or shipping arrangements, you should be sure that there is an ICI who is eligible to import your vehicle and willing to import your vehicle and that you are prepared to pay the ICI charges. [List of Independent Commercial Importers](#). Vehicles required to be imported by ICIs must be entered through Customs by the ICI, not the vehicle owner, and must not be given to the vehicle owner until after the vehicle has met all EPA requirements and has been finally admitted by EPA.

There are four types of importations by ICIs. Below is a description of each type and a brief overview of the general requirements.

#### **(a) VEHICLES TWENTY ONE YEARS OLD OR OLDER**

Any vehicle twenty one years old or older may be imported by an ICI (as well as by individuals; see [Non-U.S. Version Vehicles](#) "(a) 21 Years Old or Older Exemption"). Modifications, testing and holding the vehicle for EPA inspection are not required.

## Requirements

- ICI must validate that vehicle is at least 21 years old.
- ICI or owner must file with Customs upon entry, an EPA Form 3520-1 declaring code "E".

## Restrictions

- None

## **(b) MODIFICATION & TESTING OF VEHICLES 6 OP YEARS OR OLDER**

The vehicle is being imported by an ICI for modification and testing purposes to comply with Federal emission requirements and is at least 6 OP years or older. No bond is required by EPA, nor is written EPA approval required.

## Requirements

- ICI must have any currently valid certificate of conformity.
- ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "C" .
- ICI must bring the vehicle into compliance with Federal emission requirements, including passing the Federal emissions test for every vehicle.
- ICI must submit Application for Final Admission to EPA and hold vehicle for 15 Federal working days (or more if required by EPA) after submitting application.

## Restrictions

- Vehicle must not be driven on public roads or highways until after final admission by EPA.
- Vehicle must not be given to owner (for use or storage) until after final admission by EPA.

## **(c) MODIFICATION & TESTING OF VEHICLES LESS THAN 6 OP YEARS**

The vehicle is being imported by an ICI for modification and emission testing purposes in order to comply with Federal emission requirements and is less than 6 OP years old. No Customs bond is required, nor is written EPA approval required.

## Requirements

- ICI must already have an EPA certificate of conformity for the specific model year, make, model, and engine of the vehicle (e.g., 1990 Mercedes-Benz 500) it desires to import, or ICI must use the vehicle as a prototype to obtain the necessary certificate of conformity.
- ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "A" (or code "J" if vehicle is being used as a prototype to obtain a certificate of conformity).
- ICI must bring vehicle into compliance in accordance with certificate of conformity.
- ICI must Federal emissions test every third vehicle imported under a certificate of conformity to demonstrate compliance with Federal emission standards.

- ICI must submit Application for Final Admission to EPA and hold vehicle for 15 Federal working days (or more if required by EPA) after submitting application.

## Restrictions

- Vehicle must not be driven on public roads or highways (except for that driving necessary to obtain a certificate of conformity) until final admission by EPA.
- Vehicle must not be released to the owner (for use or storage) until after final admission by EPA.

## **(d) MODIFICATION TO OEM CERTIFIED VERSION**

The vehicle is being imported by an ICI for modification purposes to be identical to an OEM certified version in accordance with written instructions from the U.S. representative of the OEM that are specific to the vehicle. No Customs bond is required, nor is written EPA approval required.

## Requirements

- ICI must obtain copy of the modification instructions from the U.S. representative of the OEM prior to importation
- ICI must file with Customs, upon entry, an EPA Form 3520-1 declaring code "Z".
- ICI must attach a copy of the OEM instructions to EPA Form 3520-1.
- ICI must modify vehicle in accordance with the OEM instructions.
- ICI must submit Application for Final Admission to EPA and hold vehicle for 15 Federal working days (or more, if required by EPA) after submitting Application.

## Restrictions

- Vehicle must not be driven on public roads or highways until after final admission by EPA
- Vehicle must not be given to owner (for use or storage) until after final admission by EPA.

## **NOTES:**

- 1. Regardless of the requirements above being satisfied, a vehicle is not eligible for this exemption if it has been modified or altered such that the vehicle configuration is not covered under the manufacturer's certificate of conformity.**
- 2. Obtaining a letter from the OEM's U.S. representative is the responsibility of the importer. EPA does not have authority over manufacturer's non-U.S. version vehicles. Mercedes-Benz and BMW have indicated that, except for their Canadian vehicles, they do not provide such letters. Other manufacturers have indicated that comparing foreign market vehicles to U.S. version vehicles is extremely difficult, or impractical. Failure to obtain such a letter is not justification for a hardship exemption.**